Anno xxxj. REGINÆ ELIZABETHAE.

At a Seſsion of Parliament holden at Weſtminſter the *fourth day of Februarie, in the one and* thirtieth yeere of the Reigne of our moſt gratious Soueraigne Lady Elizabeth by the grace of God of England, Fraunce and Ireland Queene, defender of the faith, &c.

And there continued vntill the diſſolution thereof, being the xxix. of March.

To the high pleaſure of Almightie God, and the weale publique of this Realme, were enacted as followeth.

¶ Imprinted at London by the Deputies of Chriſtopher Barker, Printer to the Queenes moſt excellent Maieſtie.

1589.

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1 AN Acte against discontinuances of Writs of Error in the Court of Exchequer and Kings Bench.
2 An Act for abridging of proclamations vpon fines to be leuied at the Common law.
3 An Act for the auoiding of priuie and secret Outlawries of her Maiesties subiects.
4 An Act against imbeazelling of Armor, habilliments of warre, and victuall.
5 An Act concerning Informers.
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9 An Act for writs vpon Proclamations and Exigents to be currant within the Countie Pallantine of Durham.
10 An Act for continuance and perfecting of diuers Statutes.
11 An Act of explanation or declaration of the Statute of octauo Regis Henrici sexti, concerning forcible entries, the Indictments thereupon found.
12 An Act to auoide Horsestealing.
13 An Act for reuiuing and enlarging of a Statute made in the xviii. yeere of her Maiesties Reigne, for repayring of Douer hauen.
14 An Act for confirmation of the Subsidies of the Clergie.
15 An Act for the graunting of foure Fifteenes, and Tenthes, and two entire Subsidies to our most gracious Soueraigne Lady the Queenes most excellent Maiestie.
16 An Act for the Queenes Maiesties most gracious generall and free Pardon.

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17 AN Act for the preseruation of the Hauen of Orford in the Countie of Suffolke.
18 An Act for the better assurance of lands and tenements to the maintenance of the free Grammer Schoole of Tunbridge in the Countie of Kent.
19 An Act for the sale of Thomas Hanfords landes, towards the payment of his debts to her Maiestie, in the releife of his sureties, and of such others as stand chargeable to her Maiestie for the debt of the said Hanford.
20 An Act concerning the Almes-house of Lamborne in the Countie of Berk.
21 An Act for assurance to be made of the ioynture of Anne the wife of H. Newel Esquier.
22 An Act for the releife of the Citie of Lincolne.
23 An Act for the auoiding of certaine conueyances and other estates supposed to be procured by Thomas Dyrie, of the lands and leases of Thomas Haselridge.
24 An Act for the naturalizing of Joyce the daughter of Rafe Elkin Gent. and wife to Richard Lambert Merchant, borne beyond the Seas.

An Acte againſt diſcontinuances of Writs of Error in the Court of Eſchequer and *Kings Bench.*

The firſt Chapter.

WHereas by an eſtatute made in the xxxi. yeere of the reigne of King Edward the third, it is enacted that vpon complaint concerning erroꝛ made in the Exchequer touching the King oꝛ other perſons, the Loꝛd Chauncelour, and Loꝛd Treaſurer ſhal doe to come beſoꝛe them in any Chamber of Counſell nigh the Exchequer, the recoꝛd and pꝛoceſſe of the Exchequer, and taking to them ſuch Juſtices and other ſage perſons, as to them ſhall be thought meete, ſhall heare and determine ſuch erroꝛs as by the ſaide eſtatute moꝛe at large appeareth: And whereas thoſe two being great officers of the Realme, are employed not only in their ſeuerall offices and places of Juſtice eſe where, but alſo foꝛ the other waighty affaires of the Realme in Counſel attendant on the Queenes Maieſties perſon and otherwiſe, they be many times vpon ſudden warning called away in ſuch wiſe, as they both many times, and ſometimes neither of them can be pꝛeſent in the Exchequer at their day of adiournement in ſuch ſuite of erroꝛ, And then by not comming of them at the day of adiournement euery ſuch Wꝛit of Erroꝛ depending, is by the lawes of the Realme diſcontinued, And the partie cannot pꝛoceede, but muſt begin his ſuite of newe to the great loſſe of the partie and hinderance of Juſtice. Foꝛ remedie whereof, Be it oꝛdeined and enacted by authoꝛitie of this preſent Parliament, that the not comming of the Loꝛd Chauncelour, and Loꝛd Treaſurer, oꝛ of either of them at the day of adiournement in any ſuch ſuite of Erroꝛ, depending by vertue of the ſaide foꝛmer eſtatute, ſhall not be any diſcontinuance of

any such Writ of Error. But if both the chiefe Justices of either Bench, or any one of the saide great Officers, the Lord Chancelor, or Lord Treasourer, shall come to the Exchequer Chamber, and there be present at the day of adiournement in such suite of Error, it shall be no discontinuance, but the suite shall proceede in Lawe to all intents and purposes, as if both the Lord Chancelour and Lord Treasourer had commen and beene present at the day and place of adiournement. Prouided alwayes, that no Judgement shall be giuen in any such suite or Writ of Error, vnlesse both the Lorde Chauncellour and Lorde Treasourer shalbe present thereat.

And whereas in the Parliament holden in the xxvii. yeere of the reigne of our most gratious Soueraigne Lady the Queenes Maiestie, one Act or statute was made, intituled, An Act for redresse of erronious Judgements in the Court commonly called the Kings Bench: By which it is amongst other things enacted, That where any Judgement shall at any time then after be giuen in the said Court of Kings Bench, in any sute or action of debt, detinue, couenant, accompt, action vpon the case, ejection firme, or trespasse first cõmenced, or to be first commenced there, other then such onely where the Queenes Maiestie shall be partie: The partie plaintife or defendant against whom any such Judgement shall be giuen, may at his election sue forth out of the Court of Chauncerie, a speciall Writ of Error to be deuised in the said Court of Chauncerie, directed to the chiefe Justice of the saide Court of Kings Bench for the time being, commaunding him to cause the said record, and all things concerning the saide Judgement, to be brought before the Justices of the common Bench, and the Barons of the Exchequer into the Exchequer Chamber, there to be examined by the said Justices of the Common Bench and Barons aforesaid. Which said Justices of the Common Bench, and such Barons of the Exchequer as are of the degree of the Coyfe, or five of them at the least, by vertue of the same acte, shall thereupon haue full power and authoritie to examine all such Errors as shall be assigned or found in or vpon any such Judgement, And thereupon to reuerse or affirme the said Judgement as the Lawe shall require, other then for Errors to be assigned or found for or concerning the iurisdiction of the said Court of Kings Bench, or for any want of forme in any Writ, returne, plaint, bill, declaration, or other pleading, processe, verdicte, or proceeding whatsoeuer.

Forasmuch as it doth many times fall out, that the full number of the said Justices of the Common Bench, & Barons of the Exchequer so authorized by the said statute, sometimes for want of healthy, sometimes through other waighty seruices, and earnest occasions

occasions cannot be present at the dayes & times of the returnes and continuances of the same writtes of Error: And by reason of their absence and not comming, the saide writtes of Error are discontinued, Justice delayed, and the parties put to beginne newe suite, to their great charges and prejudice: For remedie thereof, be it also enacted by the authoritie aforesaide, that from henceforth, if the full number of the Justices and Barons authorised by the saide acte, come not at the day or time of returne, or continuance of any such writte of Error, That it shall be lawfull for any three of the said Justices and Barons, at euery of the saide dayes and times, to receiue writtes of Error, to awarde Procelle thereupon, to make and prefixe daies from time to time, of and for the continuance of all such writtes of Error as shall be there returned, certified or depending. And that the same shall be to these respects as good and auaileable, as if all the Justices and Barons authorised by the same acte, were present. And that the Justices and Barons authorised by the saide Statute, may after that lawfully proceede in all those cases in such sort to all intents, as they may doe in other cases mentioned in the said Statute, any not comming of any the saide Justices or Barons notwithstanding.

Prouided neuertheless, that no Judgement shall be giuen in any such suite or Error, vnlesse it be by such full number of the saide Justices and Barons, as are in that behalfe authorised and appointed by the said act.

Prouided also and be it neuertheless enacted by the authoritie aforesaide, that the partie plaintife or defendant, against whom any such Judgement hath beene heretofore, or hereafter shall be giuen in the saide Court of Kings Bench, may at his election sue in the high Court of Parliament, for the reuersall of any such Judgement as heretofore hath bene vsuall or accustomed, any thing in this statute, or in the saide former acte, to the contrary thereof notwithstanding.

An Acte for abridging of *Proclamations vpon fines to be leuied* at the Common Lawe.

The ſecond Chapter.

WHereas the Statute made in the fourth yeere of king Henry the ſeuenth hath ordeined, that euery fine to bee leuied with proclamations in the Kings Court, afore his Iuſtices of the Common plees, ſhould be proclaimed in the ſame Court that terme, in which it is engroſſed, and in three termes then next following at foure ſeuerall dayes in euery Terme: By reaſon whereof they ought to bee proclaymed foure times in euery of the foure ſeuerall Termes, And that during ỹ time of proclaiming of ſuch fines, all plees ſhould ceaſe, which to doe according to the ſaide Statute, (conſidering the multitude of fines nowe vſually leuied) would require ſixteene dayes in euery Terme: And by reaſon of the many cauſes and ſutes in that Court, is a farre greater trouble, then heretofore hath beene, ſo as ſcarſely one day in euery Terme can be ſpared for the proclaiming of fines: Be it enacted by the auctoritie of this preſent Parliament, that all fines with Proclamations, from and after the feaſt of Eaſter next enſuing, to be leuied in the ſaid Court, ſhall be proclaimed onely foure times, that is to ſay, once in the Terme wherein it is engroſſed, and once in euery of the three Termes holden next after the ſame engroſſing. And that euery fine proclaimed as aforeſaide, ſhall be of as great force and effect in lawe to all intents and purpoſes, as if the ſame had beene ſixteene times proclaimed, according to the Statutes heretofore made.

An

Reginæ Elizabethæ. Chap. iij.

An Acte for the auoi-

ding of priuie and ſecret Outlawries of her Maieſties Subiects.

The third Chapter.

For the auoiding of ſecrete Outlawries in actions perſonall againſt the Queenes Subiects, hauing knowen places of their dwellings, by reaſon that proclamations are made in the Countie Courts, and in quarter Seſſions, which are places remote from their dwellings, and thereby they haue not any conuenient notice of ſuch ſutes againſt them: Be it enacted and ordeined by the aucthoritie of this preſent Parliament, that in euery action perſonall, wherein any writ of Exigent ſhalbe awarded out of any Court in or after the Terme of Eaſter next comming, one writ of proclamation ſhalbe awarded and made out of the ſame court, hauing day of teſte and returne, as the ſaid writ of Exigent ſhal haue directed and deliuered of record to the Shirife of the Countie where the defendant at the time of the Exigent ſo awarded ſhall be dwelling, which writ of proclamation ſhal conteine the effect of the ſame action, and that the Shirife of the Countie vnto whom any ſuch writ of proclamation ſhall be directed, ſhall make three proclamations in this forme folowing and not otherwiſe: that is to ſay, one of the ſame proclamations in the open Countie Court, and one other of the ſame proclamations to be made at the general quarter Seſſions of the peace in thoſe partes where the partie defendant at the time of the Exigent awarded ſhall be dwelling, and one other of the ſame proclamations to be made one moneth at the leaſt before the quint. exact, by vertue of the ſaide writ of Exigent, at or neere to the moſt vſuall doore of the Church or Chappel of that Towne or Pariſh where the defendant ſhall be dwelling at the time of the ſaid Exigent ſo awarded, and if the defendant ſhall be dwelling out of any Pariſh, then in ſuch place as aforeſaide of the Pariſh in the ſame Countie, and next adioyning to the place of the defendants dwelling, and vpon a Sunday immediatly af-

ter diuine Seruice and Sermon, if any Sermon there be, and if no Sermon there be, then foorthwith after diuine Seruice. And that all Outlawries had and pronounced after the ende of the nexte Easter Terme, and no writ of proclamations awarded and returned, according to the forme of this Statute, shall be vterly voide and of none effect: and that the officer in whose office such writs of Exigent and proclamations shalbe made, shall and may take such fees as by the Statute made in the firste yere of the raigne of the late king of famous memorie king Henrie the eight, is limited and appointed in that behalfe, and no greater fees in any wise, and that the Shirife for making of the proclamation at or neere to the Church or Chappel doore as is aforesaide, shall haue twelue pence. And for the auoyding of secret summons in reall actions without conuenient notice of the Tenaunts of the freeholde, Be it also ordeyned and enacted by the authoritie of this present Parliament, that after euery summons vpon the lande in any reall action, fourteene dayes at the least before the day of the returne thereof, proclamations of the summons shall be made on a Sunday in forme aforesaide, at or neere to the most vsuall doore of the Churches or Chappell of that Towne or Parish where the land whereupon the summons was made doeth lie, and that proclamation so made as aforesaid, shall be returned together with the names of the summoners, & if such summons shall not be proclaimed and returned, according to the tenor and meaning of this acte, then no graund cape to be awarded, but an alias and plures summons as the cause shall require, vntill a summons and proclamation shall be duely made and returned, according to the tenor and meaning of this Acte. And be it further enacted, that before any allowance of any writ of Error or reuersing of any Outlawrie be had by plee or otherwise, through or by want of any proclamation to be had or made, according to the forme of this Statute, after the ende of Easter Terme next: the defendant and defendants in the originall action shall put in baile, not only to appeare and answere to the plaintife in the former sute in a newe action to be commenced by the said plaintife, for the cause mentioned in the first action, but also to satisfie the condemnation, if the plaintife shall beginne his sute before the ende of two Termes next after the allowing the writ of Error, or otherwise auoiding of the said Outlawrie.

An Acte against imbeselling of Armour, habillements of warre, and victuall.

The fourth Chapter.

BE it enacted by the authoritie of this present Parliament, that if any person or persons, hauing at any time hereafter the charge or custodie of any Armour, Ordinance, Munition, Shot, Powder, or habillements of warre, of the Queenes Maiesties, her heires or successors, or of any victuals prouided for ꝑ victualling of any Souldiers, Gunners, Mariners, or Pioners, shall for any lucre or gaine, or wittingly, aduisedly and of purpose, to hinder or impeach her Maiesties seruice, imbeasill, purloyne, or conuey away any the same armour, ordinance, munition, shot or powder, habillements of warre or victuals, to ꝑ value of twenty shillings at one or seuerall times: that then euery such offence shalbe iudged felonie, and the offendor and offendors therein to be tried, proceeded on, and suffer as in case of felonie.

Prouided alwayes, and be it enacted by the authoritie aforesaid, that none shalbe impeached for any offence against this statute, vnlesse the same impeachement be prosecuted or begunne within the yeere next after the offence done. And that this Acte, nor any thing therein conteyned, nor any attayndor or attayndors of any person or persons, for any offence made felonie by this acte, shall in any wise extend, or be adiudged, interpreted, or expounded, to make the offendor or offendors to forfeite or loose any lands, tenements, or hereditaments any longer then onely during his or their life or liues, or to make any corruption of blood to any the heire or heires of any such offendor or offendors, or to make the wife of any such offendor to loose or forfeite her dower or title of dower, of or in any lands, tenements, or hereditements, or her action or interest to the same: any thing in this act conteined, or any Attaindor or Attaindors hereafter to be had for any offence made felony by this acte to the contrary notwithstanding. And that such person and persons as shalbe impeached for any offence made felonie by this estatute, shall by vertue of this acte be receiued & admitted to make any lawfull proofe that he can, by lawfull witnesse or otherwise, for his discharge and defence in that behalfe: any law to the contrary notwithstanding.

¶ An

An Acte concerning Informers.

The fifth Chapter.

For that diuers of the Queenes Maieſties ſubiects be dayly vniuſtly vexed and diſquieted by diuers common Informers vpon penall Statutes, notwithſtanding any former Statute that hath beene heretofore made againſt their diſorders: For remedie thereof, Be it enacted by the authoritie of this preſent Parliament, that all former ſtatutes, made for reformation of diſorders of ſuch common Informers, not repealed or altered by this Act, ſhall be put in due execution. And that no perſon other then the partie grieued, after xx. dayes after the ende of this Seſſion of Parliament, ſhall be receiued to informe or ſue, vpon any penall Statute, that before that time hath beene for any miſdemeanor by any order of any the Queenes Maieſties Courtes, ordered not to followe or purſue any ſute vpon any penall Statute. And be it further enacted by the authoritie aforeſaide, that in any declaration or Information at any time after xx. dayes after the ende of this Seſſion of Parliament to bee had, brought, ſued or exhibited, the offence againſt any penal ſtatute, ſhal not be layd to bee done in anye other Countie, but where the contract or other matter alleadged to be the offence, was in trueth done. And that euery defendant in ſuch action or Information, ſhall and lawfully may trauerſe and alleadge, that the offence ſuppoſed by the ſame ſute to bee committed, was not committed in the Countie where ſuch offence is alleadged. Which being tried for the defendant, Or if the Plaintife be thereupon nonſute in his Information or ſute, that then the Plaintife ſhall be barred in that action or Information, any Lawe or vſe to the contrary notwithſtanding.

Prouided alwayes that this Acte, nor any thing herein conteyned, ſhall in any wiſe extend to any ſuch officer of Record as haue in reſpect of their offices heretofore lawfully vſed to exhibite Informations, or ſue vpon penall Lawes, But that they and

and euery of them may inſourme and purſue in that behalfe as they might haue done before the making of this Acte, any thing in this Acte to the contrary in any wiſe notwithſtanding.

And prouided alſo, that this Acte nor any thing therein conteyned, ſhall extend to the laying or alleadging of any offence in any declaration or information, for or concerning any Champartie, buying of titles, or extortion, or any offence committed, or to be committed againſt the Statute made in the firſt yeere of the Queenes Maieſties reigne, intituled, An Acte limitting the times for laying on lande merchandize from beyonde the Seas, and touching cuſtomes of ſweete wines: And one other Acte made in the ſaide firſt yeere of her Maieſties reigne, intituled, An Acte of a Subſidie of Tonnage and Poundage, or anything in any of them conteyned, or for the concealing or defrauding the Queenes Maieſtie, her heires or ſucceſſours of any Cuſtome, Tonnage, Poundage, Subſidie, Impoſte or Priſage, or for any matter of corrupt Uſurie, or for any offence compriſed in any Statute made, or to be made againſt ingroſſing, regrating, or foreſtalling, where the penaltie or forfaiture ſhall appeare to be to the value of twentie pound or aboue: But that euery ſuch offence, ſhall or may be layed in any Countie at the pleaſure of any ſuch Informer, Any thing in this Act to the contrary notwithſtanding.

And be it further enacted by the authoritie aforeſaide, that all actions, ſuites, billes, indictements, or informations, which after twentie dayes after the ende of this Seſſion of Parliament ſhall be had, brought, ſued or exhibited, for any forfaiture vpon any Statute penall, made or to be made, whereby the forfaiture is or ſhall be limitted to the Queene, her heires or ſucceſſours onely, ſhall be had, brought, ſued or exhibited within two yeeres next after the offence committed, or to be committed againſt ſuch Acte penall, and not after two yeeres. And that all actions, ſuites, billes or informations, which after the ſaide twentie dayes ſhall be had, brought, ſued or commenced, for any forfaiture vpon any penall ſtatute made or to be made, except the ſtatutes of tillage, the benefite and ſuite whereof is or ſhall be by the ſaide Statute, limitted to the Queene, her heires or ſucceſſors, and to any other which ſhall proſecute in that behalfe, ſhall be had, brought, ſued, or commenced by any perſon that may lawfully purſue for the ſame as aforeſaid, within one yeere next after the offence committed, or to be committed againſt the ſaid ſtatute, and in default of ſuch purſuite, that then the ſame ſhalbe had, ſued, exhibited, or brought for the Queenes Maieſtie, her heires, or ſucceſſours, at any time within two yeeres after that

yeere

yeere ended. And if any Action, Sute, Bill, Inditement, or Information for any offence against any Penall statute, made or to be made, except the Statute of Tillage, shall be brought after the time in that behalfe before limitted: That then the same shall be voyde and of no effect, Any Acte or Statute made to the contrary notwithstanding.

Prouided alwayes, that where any Action, Information, Inditement or other suite, is or shall be limited by any Statute penall, to be had, sued, commenced, or brought within shorter time then is afore rehearsed: That in euery such case, the Action, Information, Inditement, or other sute shall be brought within the time limitted by such estatute. And be it further enacted by the authoritie aforesaide, that one Statute made in the seuenth yeere of the raigne of the late King of famous memorie King Henry the eight, concerning the time of bringing actions, or Informations vpon penall Lawes, shall from and after twentie dayes after the ende of this Sellion of Parliament, be vtterly repealed. And that all suites from and after the saide twentie dayes to be pursued vpon any statute, for vsing any vnlawfull game, or for not vsing of any lawfull game, or for not hauing Bowes and Arrowes according to the Lawe, or for vsing any Art or mysterie, in the which the partie hath not bene brought vp, according to the statute in that behalfe made, shall be sued and prosecuted in the generall quarter Sessions of the Peace, or Assises of the same Countie, where the offence shall be committed, or otherwise enquired of, heard and determined in the Assises, or generall quarter Sessions of the Peace of the same Countie, where such offence shall be committed, or in the Leete within which it shall happen, and not in any wise out of the same Countie, where such offence shall happen or be committed.

An

Reginæ Elizabethæ. Chap. vj.

An Acte against abuses in election of Schollers, and presentation to Benefices.

The sixt Chapter.

Whereas by the intent of the Founders of Colledges, Churches Collegiate, Churches Cathedral, Schooles, Hospitals, Hals, and other like Societies within this realme, and by the Statutes and good Orders of the same, the elections, presentations, & nominations of Fellowes, Schollers, Officers, & other persons to haue roume or place in the same, are to be had and made of the fittest and most meete persons, being capable of the same elections, presentations, and nominations freely, without any reward, gift, or thing giuen or taken for the same: And for true performance whereof, some Electors, Presentors, and Nominators in the same, haue or should take a corporall othe to make their elections, presentations, and nominations accordingly: yet notwithstanding it is seene and found by experience, that the sayd elections, presentations, and nominations be many times wrought and brought to passe with money, gifts & rewards, whereby the fittest persons to be elected, presented, or nominated, wãting money or friends, are seldome or not at all preferred, contrary to the good meaning of the said Founders, and the said good Statutes and Ordinances of the sayd Colledges, Churches, Schooles, Hals, Hospitals, and Societies, and to the great preiudice of learning, & the common wealth and estate of the Realme.

For remedie whereof, bee it enacted by the Queenes most excellent Maiestie, the Lordes Spirituall and Temporall, and the Commons in this present parliament assembled, and by the authoritie of the same, that if any person or persons, bodies politike or corporate, which haue election, presentation, or nomination, or voice, or assent in the choise, election, presentation, or nomination of any Fellow, Scholler, or any other person, to haue roume or place in any the said Churches, Colledges, Schooles, Hospi-

tals, Hals, or Societies, shall at any time after fourtie dayes next after the ende of this present Session of Parliament, haue, receiue, or take any money, fee, reward, or any other profite directly or indirectly, or shall take any promise, agreement, couenaunt, bond, or other assurance to receiue or haue any money, fee, reward, or any other profite, directly or indirectly, either to him or themselues, or to any other of their or any of their friends for his or their voyce or voyces, assent or assents, or consents, in electing, chooling, presenting, or nominating any Officer, Fellow, Scholler, or other person, to haue any roome or place in any the sayd Churches, Colledges, Hals, Schooles, Hospitals, or Societies: that then and from thencefoorth, the place, roume, or office, which such person so offending shall then haue in any the sayd Churches, Colledges, Schooles, Hals, Hospitals, or Societies, shalbe void. And that then aswell the Queenes Maiestie, her heires and successors, and euery other person and persons, or their heires and successours, to whom the presentation, donation, gift, election, or disposition, shall of right belong or appertaine of any such of the sayd roumes or places of the sayd person offending as aforesayd, shall or may at their pleasure elect, present, nominate, place, or appoint any other person or persons, in the roume, office, or place of such person or persons so offeding, as if the sayd person or persons so offending then were naturally dead.

And be it further enacted by the authoritie aforesayd, that if any Fellow, Officer, or Scholler of any the sayd Churches, Colledges, Schooles, Hals, Hospitals or Societies, or other persons hauing roume or place in any of the same, shall at any time hereafter directly or indirectly take or receiue, or by any way, deuice, or meanes contract to agree or haue or receiue any money, reward, or profit whatsoeuer, for the leauing or resigning vp of the same his roume or place, for any other to be placed in the same: that then euery person so taking or contracting, or agreeing to take or haue any thing for the same, shall forfaite and lose double the summe of money, or value of the thing so receiued and taken, or agreed to bee receiued or taken: And euery person by whom or for whom any money, gift, or reward as aforesaid, shall be giuen or agreed to be paied, shall be vncapable of that place or roume for that time or turne, and shall not bee, nor had, nor taken to bee a lawfull Fellow, Scholler, or Officer of any the Churches, Colledges, Hals, Hospitals, Schooles or Societies, or to haue such roume or place there: but that they to whom it shall appertaine at any time thereafter, shall and may elect, choose, present and nominate any other person fit to bee elected, presented, or nominated into the sayd roume or fellowship, as if

the said person, by or for whome any such money, gift, or reward shalbe giuen or agreed to be paide were dead, or had resigned and left the same. And for more sincere Election, choyse, presentation, and nomination of Fellowes, Scholliers, Officers, and other persons, to haue roome or place hereafter in any of the sayde Churches, Colledges, Halles, Schooles, Hospitalls, and other like Societies:

Be it further enacted by the authoritie aforesayde, that at the time of euery such Election, presentation, or nomination hereafter to be had, as well this present act, as the Orders and Statutes of the same places, concerning such Election, presentation or nomination to be had, shall then and there be publikely read, vpon paine that euery person, in whome default thereof shall be, shall forfaite and lose the summe of xl. pound: All which forfaitures shall and may be had and recouered, in any her Maiesties Courts of record, by any person or persons, bodies politique and corporate, that will sue for the same by Bill, plaint, or Action of debt, in which no Essoyne, protection, or wager of Lawe shall be allowed, The one moytie whereof shall be to him or them that will sue for the same, the other moytie to the vse of the sayde Church, Colledge, Hall, Hospitall, Schole, or Societie, where such offence shall be committed. And for the auoyding of Simonie and corruption, in Presentations, Collations, and Donations, of and to Benefices, Dignities, Prebends and other liuings and promotions Ecclesiasticall, and in admissions, institutions, and inductions to the same:

Be it further enacted by the authoritie aforesayd, that if any person or persons, bodies politicke and corporate, shal or do at any time after the ende of xl. dayes, next after the end of this Session of Parliament, for any summe of money, reward, gift, profite, or benefite, directly or indirectly, or for, or by reason of any promise, agreement, graunt, bond, couenant, or other assurance, of, or for any summe of money, reward, gift, profite, or benefite whatsoeuer, directly or indirectly, present or collate any person to any Benefice with cure of soules, dignitie, Prebend or liuing Ecclesiasticall, or giue, or bestow the same, for, or in respect of any such corrupt cause or consideration, that then euery such presentation, collation, gift and bestowing, and euery admission, institution, inuesture and induction thereupon, shall be vtterly voyde, frustrate, and of none effect in Lawe. And that it shall and may be lawfull, to, and for the Queenes Maiestie, her heires and successors, to present, collate vnto, or giue, or bestow euery such Benefice, dignitie, Prebend, and liuing Ecclesiasticall for that one time or turne onely, and that all and euery person or persons, bodies politike and corporate, that from thencefoorth shall giue

or take any such summe of money, reward, gift, or benefite, directly or indirectly, or that shall take or make any such promise, graunt, bond, couenant, or other assurance, shall forfeite, and lose the double value of one yeeres profite of euery such Benefice, Dignitie, Prebend, and liuing Ecclesiasticall, and the person so corruptly taking, procuring, seeking, or accepting any such Benefice, Dignitie, Prebend, or liuing, shall thereupon, and from thencefoorth be adiudged a disabled person in Lawe, to haue or enioy the same Benefice, Dignitie, Prebend, or liuing Ecclesiasticall.

And be it further enacted, that if any person shall at any time after xl. dayes next after the ende of this Session of Parliament, for any summe of money, rewarde, gift, profite, or commoditie whatsoeuer, directly or indirectly (other then for vsuall and lawfull fees) or for, or by reason of any promise, agreement, graunt, couenant, bond, or other assurance, of, or for any summe of money, reward, gift, profite, or benefite whatsoeuer, directly or indirectly, admit, institute, install, induct, inuest, or place any person in, or to any Benefice with cure of soules, Dignitie, Prebend, or other liuing Ecclesiasticall: that then euery such person so offending, shall forfeite and lose the double value of one yeeres profite, of euery such Benefice, Dignitie, Prebend, and liuing Ecclesiasticall. And that thereupon immediatly from and after the Inuesting, Installation, or Induction thereof had, the same Benefice, Dignitie, Prebend, and liuings Ecclesiasticall, shall be eftsoones meerely voyde: And that the Patrone, or person to whome the Aduowson, gift, presentation, or collation shall by Lawe apperteine, shall and may by vertue of this Acte, present or collate vnto, giue and dispose of the same Benefice, Dignitie, Prebend, or liuing Ecclesiasticall, in such sort, to all intents and purposes, as if the partie so admitted, Instituted, Installed, Inuested, Inducted or placed, had bene, or were naturally dead.

Prouided alwayes, that no title to conferre, or present by lapse, shall accrewe vpon any voydance mentioned in this Act, but after vi. Moneths next after notice giuen of such voydance by the Ordinarie to the Patrone.

And be it further enacted by the authoritie aforesayd, that if any Incumbent of any Benefice with cure of soules, after the ende of the sayd fourtie dayes, doe, or shall corruptly resigne or exchange the same, or corruptly take for, or in respect of the resigning or exchanging of the same, directly or indirectly, any pension, summe of money, or benefite whatsoeuer: that then aswell the giuer, as the taker of any such pension, summe of money, or other benefite corruptly, shall lose double the value of the summe so giuen, taken, or had, the one moytie aswell thereof,

of, as of the forfeiture of double value of one yeeres profite before mentioned, to be to the Queenes Maiestie, her heires and successours, and the other moytie to him or them that will sue for the same, by action of debt, bill, or information, in any of her Maiesties Courts of Record, in which no Essoine, Protection, or wager of lawe, or priuiledge shalbe admitted or allowed.

Prouided alwayes that this Acte, or any thing herein contayned, shall not in any wise extend to take away, or restraine any punishment, paine or penaltie, limitted, prescribed, or inflicted by the lawes Ecclesiasticall, for any the offences before in this Act mentioned, but that the same shal remaine in force, and may be put in due execution, as it might be before the making of this Acte: This Act, or any thing therein conteyned to the contrary thereof, in any wise notwithstanding.

Prouided further, and be it enacted by the authoritie aforesaid, that if any person or persons whatsoeuer, shall or doe at any time after the ende of this Session of Parliament, receiue or take any money, fee, reward, or any other profite, directly or indirectly, or shall take any promise, agreement, couenant, bond, or other assurance, to receiue, or haue any money, fee, reward, or any other profite, directly, or indirectly, either to him or them selues, or to any other of their, or any of their friendes (all ordinarie and lawfull fees onely excepted) for or to procure the ordeining or making of any Minister or Ministers, or giuing of any orders, or licence or licences to preach: that then euery person and persons so offending, shall for euery such offence, forfeite and lose the summe of fourtie poundes of lawfull money of England: and the partie so corruptly ordeyned or made Minister or taking orders, shall forfeite and lose the summe of ten poundes. And if at any time within seuen yeeres next after such corrupt entring into the Ministerie, or receiuing of orders, he shall accept or take any Benefice, Liuing, or Promotion Ecclesiasticall: that then immediatly from and after the Induction, Inuesting, or Installation thereof, or thereinto had, the same Benefice, Liuing, and Promotion Ecclesiasticall, shall be eftsoones meerely voide, and that the Patron or Person, to whom the Aduowson, Gift, Presentation or Collation, shall by lawe apperteyne, shall and may by vertue of this Acte, present or collate vnto, giue and dispose of the same Benefice, Liuing or Promotion Ecclesiasticall, in such sort to all intents and purposes, as if the partie so Inducted, Inuested or Installed had beene, or were naturally dead: any lawe, ordinance, qualification, or dispensation to the contrary, notwithstanding. The one moytie of all which forfeitures shall be to our Soueraigne Lady the Queene, her heires and successours, and the other moytie to him or them that

will sue for the same, by action of debt, bill, plaint, or information, in any of her Maiesties Courts of Recorde, in which no Essoine, Protection, Priuiledge, or wager of lawe shall be admitted or allowed.

An Acte against the erecting and mainteyning of Cottages.

The seuenth Chapter.

For the auoyding of the great inconueniences which are founde by experience to growe by the erecting and building of great numbers and multitude of Cottages, which are dayly more and more increased in many partes of this Realme: Be it enacted by the Queenes most excellent Maiestie, and the Lordes Spirituall and Temporall, and the Commons in this present Parliament assembled, and by the authoritie of the same, that after the ende of this Session of Parliament, no person shall within this Realme of England, make, builde, or erect, or cause to be made, builded, or erected, any maner of Cottage for habitation or dwelling, nor conuert or ordeyne any building or housing, made, or hereafter to be made, to be vsed as a Cottage for habitation or dwelling, vnlesse the same person doe assigne and lay to the same Cottage or building, foure acres of grounde at the least, to be accompted according to the Statute or ordinance de terris mensurandis, being his or her owne freeholde and inheritance, lying neere to the saide Cottage, to be continually occupied and manured therewith, so long as the same Cottage shall be inhabited, vpon payne that euery such offendour shall forfeyte to our Soueraigne Lady the Queenes Maiestie, her heires

heires and succeſſors, tenne poundes of lawfull money of England, for euery ſuch offence.

And be it further enacted by the authoritie aforeſaid, that euery perſon which after the ende of this Seſſion of Parliament, ſhall willingly vpholde, maintaine, and continue any ſuch Cottage hereafter to be erected, conuerted, or ordeined for habitation or dwelling, whereunto foure acres of ground as is aforeſaid ſhall not be aſſigned and layed to be vſed and occupied with the ſame, ſhall forfeite to our ſaide Soueraine Lady the Queenes Maieſtie, her heires and ſucceſſors xl. ſhillings for euery moneth that any ſuch Cottage ſhall be by him or them vpholden, maintained and continued.

Prouided alſo and be it enacted, that from and after the feaſt of all Saints next comming, there ſhall not be any Inmate, or more families or houſholds then one, dwelling or inhabiting in any one Cottage, made, or to be made or erected, vpon paine that euery owner or occupier of any ſuch Cottage, placing or willingly ſuffering any ſuch Inmate, or other familie then one, ſhal forfeite and loſe to ỹ Lord of the Leete, within which ſuch Cottage ſhall be, the ſumme of tenne ſhillings of lawfull money of England, for euery moneth that any ſuch inmate, or other familie then one, ſhall dwell or inhabite in any one Cottage as aforeſaid. And that all and euery Lord & Lords of Leete and Leetes, and their Stewards within the Precinct of his and their Leete and Leetes, ſhall haue full power and authoritie within their ſeuerall Leetes, to enquire and to take preſentment by the oth of Iurors of all and euery offence and offences in this behalfe, and vpon ſuch preſentment had or made to leuie by diſtreſſe to the vſe of the Lord of the Leete, all ſuch ſummes of money as ſo ſhalbe forfeited: And moreouer that it ſhalbe lawfull for the Lord of euery ſuch Leete, where ſuch preſentment ſhall be made, to recouer to his owne vſe any ſuch forfeiture, by action of debt in any of the Queenes Maieſties Courtes of Record, wherein no Eſſoyne, protection or wager of lawe ſhall be allowed.

And be it further enacted by the authoritie aforeſaide, that all Iuſtices of Aſſiſes, & Iuſtices of Peace in their open Seſſions, and euery Lord within the precinct of his Leete & none others, ſhall haue full power and authoritie within their ſeuerall limits and Iuriſdictions, to enquire of, heare, and determine all offences contrary to this preſent Act, aſwell by Inditement, as otherwiſe by preſentment or information, and to award execution for the leuying of the ſeuerall forfaitures aforeſaid, by Fieri facias, Elegit, Capias, or otherwiſe as the cauſe ſhall require.

Prouided alwayes, that this ſtatute or any thing therein contrined, ſhall not in any wiſe be extended to any Cottage, which

shalbe ordeined or erected to, or for habitation or dwelling in any Citie, Towne Corporate, or auncient Borough, or Market towne within this Realme, nor to any Cottages or buildings, which shalbe erected, ordeined, or conuerted to, and for the necessarie and conuenient habitation or dwelling of any workemen, or labourers in any Myneral workes, cole Mines, Quarries or delfes of stone, or slate, or in or about the making of Bricke, Tile, Lime or Coles within this Realme. So as the same Cottages or buildings, be not aboue one mile distant from the place of the same Mynerall or other workes, and shalbe vsed only for the habitation and dwelling of the said workemen, nor shall in any sort preiudice, charge, or impeache any person or persons, for the erecting, mainteyning, or continuing of any such Cottages, as are before in this prouiso mentioned and specified.

Prouided alwayes, that this acte shall not extend to any Cottage to be made within a mile of the Sea, or vpon the side of such part of any Nauigable riuer where the Admirall ought to haue iurisdiction, so long as no other person shall therein inhabite, but a Sayler or man of Manuall occupation, to or for making, furnishing, or victualling of any Ship or vessell, vsed to serue on the Sea, nor to any Cottage to be made in any Forest, Chase, Warren or Parke, so long as no other person shall therein inhabite, but an Underkeeper or Warrener, for the good keeping of the Deere, or other game of Warren, nor to any Cottage heretofore made, so long as no other person shall therein inhabite, but a common Heardman or Shepheard, for keeping the cattell or sheepe of the Towne, or a poore lame, sicke, aged, or impotent person, nor to any Cottage to be made, which for any iust respect vpon complaint to the Justice of Assize at the Assizes, or to the Justices of Peace at the quarter Sessions, shall by their order entered in open Assizes or quarter Sessions, be decreed to continue for habitation for, and during so long time onely, as by such decree shall be tolerated and limitted.

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An Acte for the true gawging of Veſſels brought from beyond the Seas, conuerted by Brewers for the vtterance and ſale of Ale and Beere.

The viij. Chapter.

WHere Beere and Ale are nowe very commonly vttered, ſolde, and put to ſale, by the Beere Brewers, and Ale Brewers, aſwell within the Citie of London, as elſewhere within the Realme of England, in Buts, Pipes, Puncheons, Hogſheds, Tierces, and ſuch other veſſels, brought from beyond the Seas, which were neuer lawfully gawged for that purpoſe within this Realme, to the great loſſe aſwell of the Queenes highneſſe, as of her Subiects: Be it therefore enacted by the authoritie of this preſent Parliament, that no Brewer ſhall after the ende of fourtie dayes next after the ende of this Seſſion of this preſent Parliament, ſell, vtter, or put to ſale, any Beere, or Ale in any ſuch veſſell or veſſels, within the Citie of London, or Suburbes of the ſame, or in any other place or places within two miles compaſſe without the ſame Suburbes, before the ſame ſhall be lawfully gawged, and the true content of euery ſuch veſſell ſet downe vpon the ſame by the Gallon, appointed and allowed for Beere and Ale, according to that Standerd, by the Maſter and Wardens of the art or myſterie of Freemen of the Cowpers of ỹ Citie of London, or their Deputie or Deputies: nor ſhall (after the time before limitted) ſell, vtter, or put to ſale, any Beere, or Ale, in any ſuch veſſell or veſſels, in any other place or places within the Realme of England, and Wales, before the ſame ſhall be lawfully gawged, and the true content of euery ſuch veſſell ſet downe vpon the ſame by the Gallon aforeſayd, according to the Standerd, by ſuch as by the Statute in that behalfe made in the three and twentieth yeere of the reigne of the late King of famous memorie, King Henrie the eight, are to haue the gawging of Barrels, Kilderkins,

Kilderkins, and Firkins, made for Beere or Ale to be put in, in such other place or places within the Realme of England and Wales, vpon paine to forfeite all and euery such vessell and vessels, wherein any Beere or Ale, shalbe vttered, sold, or put to sale, contrary to the true meaning hereof. And also all the Beere, or Ale, which shall be at the time of such vttering, selling, or putting to sale therein conteined, to him or them that will seise the same, and vpon paine also to forfeite for euery such vessell wherein Beere or Ale shalbe so vttered, sold, or put to sale, ten shillings, the one moytie of which forfeitures shalbe to the Queenes Maiestie, her heires and successours, and the other moytie to him or them that will sue for the same, by action of debt, bill, plaint, information, or otherwise, wherein no Essoyne, protection, wager of lawe, or iniunction shall be admitted or allowed for the defendant. And that there shalbe taken for the gawging of euery such vessell, within the Citie of London, and Suburbes of the same, and in all and euery place and places within two miles compasse without the same Suburbes, by the Maister and wardens of the arte or mysterie of Freemen of the Cowpers of the Citie of London, for euery But, one penie, for euery Pipe, one penie, for euery Puncheon, one halfe penie, for euery Hogshead, one halfpenie, for euery Tierce, one halfpenie, and for euery other vessell which shall at any time (after the time before expressed) be brought into this Realme, from any the partes beyonde the Seas, wherein Beere or Ale shalbe vttered, solde, or put to sale, within the sayd Citie, or Suburbes, or any other place or places within two miles compasse without the same Suburbes, after like rates and no more: and that there shalbe taken for the gawging of euery such vessell or vessels, in all and euery other place and places within the Realme of England and Wales, by such person and persons, as by the said Statute made in the said three and twentieth yeere of the reigne of King Henry the eight, are appointed for gawging thereof, after such like rates as are herein before appointed to be taken, for gawging within the Citie of London, and Suburbes of the same, and in other places within two miles compasse without the same Suburbes.

And it is further enacted by the authoritie aforesayd, that this Act shall extend to all and euery person and persons, which shall vse or occupie the mysterie of brewing, as well English borne, as Strangers: and that it shall be lawfull to all and euery person and persons, which shall haue authoritie by vertue of this Act, to gawge any vessell or vessels by this Act, meant or intended to be gawged, to reteine euery vessell which shall be gawged, according to the true meaning of this Acte, vntill the money which shalbe due for the gawging thereof, shalbe truely satisfied & payd.

Prouided

Prouided alwayes, and be it further enacted by the authoritie aforesayd, that the Master and Wardens of Cowpers aforesayd, or their sufficient Deputie or Deputies, within the space of eight and fourtie houres next after any reasonable request (to them or any of them made) shall come to any Brewer or Brewers house, or other place in the sayd Citie of London, or Suburbes thereof, or two miles distance of the same, whereas their Caskes shall bee, and there with all reasonable expedition shall gauge and marke the same Caskes & euery of them, vpon payne for euery default, to forfeit and loose to the partie by or for whom such request as aforesayd shall bee made, the summe of twentie shillings of lawfull money of England, to be had and recouered by the sayd partie against the corporation of Cowpers aforesayd, by action of debt, in any of her Maiesties Courtes of Record at Westminster or elswhere: in which action, no Essoine, Protection, or Wager of law shall be admitted or allowed.

Prouided also, that if any Scottish man, or any Stranger, shall bring from Scotland, or from beyond the seas, to the sayd Brewers, or any of them, any maner of forreine caske, and shall require to haue Beere put into the same, and will transport the same Beere from hence, either into Scotland, or ouer the seas, there to be drunke: that then in euery such case, it shall and may be lawfull to and for the sayd Brewers, or any of them, to fill all such Caskes with Beere, at such rate and reckoning, as he and his merchant can agree, without hauing the sayd Caskes, or any of them, gawged or marked as is aforesayd, and without incurring any penaltie therefore: this Acte, or any thing therein conteined to the contrary thereof, in any wise notwithstanding. This Acte to continue to the end of the next Session of the next Parliament.

An Acte for writs vpon proclamations & exigents to be currant within the Countie Palantine of Durham.

The ninth Chapter.

Here the bishoprike of Durham is, and of long time hath bin an ancient Countie Palantine of it selfe: in which bishoprike the Queenes writ hath not, nor yet doeth runne, so that the writ of proclamation awarded vpon any Exigend against any person or persons inhabiting within the same Countie in any action wherein processe of Outlawrie doeth lie, according to the Statute made in the first yeere of the raigne of the late king Henry the eight, cannot be directed to any Shirife, or other officer within the said bishoprike, but vnto the Shirife of the Countie next adioining vnto the sayd bishoprike, so that the partie dwelling within the sayd bishoprike, against whom any such Exigend and proclamation hath bene or shalbe awarded, hath not had, nor hereafter can haue any knowledge of the same sute or processe: by reason whereof many persons inhabiting within the sayd bishoprike without knowledge haue bene outlawed, and hereafter are like to be outlawed in like maner to their vtter vndoings, if some speedie remedy be not the sooner prouided.

Be it therefore, and for diuers other good considerations enacted, ordeined and established by the authoritie of this present Parliament, that whensoeuer any writ of Exigend, at any time after the first day of April next comming, shalbe awarded at the sute of our Soueraigne Lady the Queenes Maiestie, her Heires or Successors, Kings or Queenes of this Realme, or at the sute or sutes of any other person or persons, plaintife or plaintifes, in any action or sute in any of the Courtes of our sayd Soueraigne Lady, her heires or successors, Kings and Queenes of this Realme, commonly called the Kings Bench, and the Common place, against any person or persons dwelling within the sayd Bishoprike: that then immediately vpon the awarding of euery such Exigend, the Justice or Justices before whom any such writ of Exigend vpon such sute or action shall be sued, shall haue full power and authoritie by vertue of this Acte, to award

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one writ of Proclamation, according to the tenor & effect of writs of Proclamation awarded vpon exigends, & commonly directed out of any of ỹ said Courts into London, or into any other shires of this Realme, against any person or persons dwelling in other shire or shires of this realme, where the Queenes writ doth run according to the order and forme of the said Act, made in the first yeere of the raigne of the said late King, to be directed to the Bishop of Durham for the time being, & during the vacation of the bishoprick, then to ỹ Chauncellor of the said Bishoprick or Countie Palantine for the time being, where it shall happen the saide defendant against whom any such action shalbe sued, as is aforesaide, to be dwelling, and not to the Shirife of any other shire next adioyning to the said Bishoprick or Countie Palantine (any lawe, custome, or vsage heretofore vsed to the contrary notwithstanding.) And ỹ euery such writ of Proclamation so to be hereafter awarded to such Bishop or Chauncellor of the said Bishopricke or Countie Palantine, shall haue the same Teste and day of returne, as the exigends whereupon euery such writ of Proclamation shalbe awarded shal haue: And that euery such Bishop or Chaũcellor, to whom any of ỹ said writ or writs of proclamation shalbe directed, shal by his or their mandat, directed to the shirife of the said Countie Palantine, cause proclamation to be made of the same writs of Proclamation, according to ỹ tenor of the same, & shall make true returnes of the same, in such Court & Courtes, and before such Justices as the tenor of the same writ and writs of proclamation shall require & demaund: And that all outlawries hereafter to be promulged or pronounced against any person or persons, vpon any such exigent or exigentes awarded against any person or persons, dwelling within the saide Bishopricke or County Palantine, & no writs of proclamatiõ awarded in forme aforesaid, to the Bishop or Chauncellor aforesaid, where the partie defendant shalbe, as is aforesaid, dwelling, or not returned as aforesaid, to bee clerely void & of none effect nor force in the lawe.

And be it further enacted by the authoritie aforesayd, that euery Bishop of the said Bishopricke, for the time being, and during the vacation of the sayd Bishopricke, the Chauncellor of the sayd Countie Palantine for the time being, shall haue in euery of the said Courts of the Kings Bench and Common Plees, one sufficient Deputie at the least, to receiue all such writs of Proclamations which shalbe hereafter directed to euery such Bishop or Chauncellor of the sayde Bishopricke or Countie Palantine, for whom the same Deputie or Deputies shall bee appoynted, in like manner and forme, and vpon like paines, as by the former Statutes and Lawes of this Realme, the Shirifs or other shires or Counties within this Realme of England, be bound to haue in

either of the same Courts, and that all such writs of Proclamation as aforesayd, shalbe deliuered vnto euery such deputie or deputies of record in the same Courts, and either of them, and also like Fees shalbe paid for making of euery such writte of Proclamation, and for enrolling the same of record, as is limited in the same statute, made in the 6. yeere of the saide king Henry the eight.

And bee it further enacted and established by the authoritie aforesaide, that if any such writte or writs of Proclamation hereafter to be directed to any Bishop or Chauncellor of the saide Bishoprieke or Countie Palantine, be deliuered vnto any of the said Bishops for the time being, or during the vacation of the saide Bishoprieke to the Chauncellor of the saide Countie Palantine for the time being, or to his or their deputie or deputies, in maner and forme aforesaid, and the same Bishop for the time being, or during the vacation of the saide Bishoprieke, the sayd Chauncellor of the sayd Countie Palantine for the time being, doe not make true returne of euery such writte and writs of Proclamation to them directed into such Court and Courts, out of which the sayde writte or writtes of Proclamation shall bee awarded: That for euery such default of non returne, euery such Bishoppe for the time being, and during the vacation of the sayde Sea, the sayde Chauncellor for the time being, so fayling to make due returne, shall lose and forfeite fiue poundes, the one halfe whereof shall be to the Queene, her Heires and Successours, and the other halfe thereof to any such person or persons, as will sue for the same, in any action of debt to bee grounded vpon this Acte in any of the Queenes Courtes of Returne, wherein no essoigne, protection, or wager of Lawe, shall bee allowed or admitted.

Prouided alwayes that this Acte, or any thing therein conteined, shall not in any wise extend, or be preiudiciall to any Bishop of the sayd Bishoprieke of Durham, for or concerning such liberties, Fraunchises, or priuiledges as belong to the same Bishops Bishoprieke or Sea, or to any ministers or officers of the same Bishoprieke or Countie Palantine, otherwise or in any other maner, then by the true meaning of this Acte is before prouided or declared, (any thing in this Acte mentioned to the contrary notwithstanding.)

Prouided also, that if any person or persons dwelling within the sayd Bishoprieke or Countie Palantine, after the foresaid first day of Aprill, shall bee outlawed in any such suite or action as is aforesaide: That then all writs of speciall Capias vtlagatum, single Capias vtlagatum, non molestandum, and all other processe, for or against any person or persons so outlawed, shall and may from henceforth be directed from time to time to the Bishop of the said

Bishoprieke

Bishoprieke and Countie Palantine for the time being, and during the vacation of the said sea, to the Chauncellor there for the time being, who shall make like writs and Procesle thereupon and of like effect sealed with the seale of their said offices, to be directed to the Sheriffe of the saide Countie Palantine for the time being, as heretofore hath bene vsed and accustomed in such cases.

Prouided alwayes, and be it further enacted by the authoritie aforesaide, that vpon any writ of Proclamation to be awarded by vertue of this Acte, and the mandat thereupon to be made to the Sheriffe, and the execution thereof, there shalbe but one only fee taken, receiued or demaunded for the same, by the said Bishop, Chauncellor, and Sheriffe of the said Countie Palantine for the time being.

An Acte for the continuance and perfecting of diuers Statutes.

The tenth Chapter.

Here in the first Session of Parliament, begun in ỳ citie of London the third day of Nouember, in the xxi. yeere of the reigne of our late Soueraigne Lord of famous memorie King Henry the eight, and from thence adiourned & prorogued to the Pallace of Westminster, An Act or Statute was made, entituled, An Act for the true making of Cables, Halsers, and Ropes: And where in the Parliament holden vpon prorogation at Westminster, the fourth day of Februarie, in the foure and twentieth yeere of the reigne of the saide King, One other Acte was then and there made, entituled, An Acte against killing of young beastes, called Neanelings: And where in the Session of a Parliament ended at Westminster the first day of Februarie, in the fourth yeere of the reigne of our late Soueraigne Lord King Edward the first, One Acte was made, concerning the buying and selling of Rother beastes and cattell, And also one other Acte was then and there likewise made, entituled, An Acte, for the buying and sel-

ting of Butter and Cheese: and where also in the Parliament begun at Westminster the three and twentieth day of Januarie, in the first yeere of the reigne of the Queenes Maiestie that nowe is, and there continued by prorogation vntill the dissolution thereof, an act was then and there made, entituled, An Acte for the preseruation of Spawne & Frie of fish: And where also in the first Session of Parliament holden at Westminster, the twelfth day of Januarie in ỹ fifth yeere of her Highnes reigne, One Act was then and there made, entituled, An Acte for maintenance and increase of Tillage, And one other Acte was then and there likewise made, entituled, An Acte for the auoiding of diuers forreine wares made by handicraftes men beyond the Seas: And where also in the last Session of the Parliament holden by prorogation at Westminster the last day of September, in the eight yeere of her Maiesties reigne, One Acte was then and there made, entituled, An Act for Bowyers, and the prices of Bowes: And where also in the Parliament begun and holden at Westminster, in the second day of Aprill, in the thirteenth yeere of her Maiesties reigne, there was one Act and Statute made for the auoiding of some leases in certaine cases to be made of Ecclesiasticall promotions with cure, entituled, An Acte touching leases of Benefices & other Ecclesiastical liuings with cure: And where also there was one other Act and Statute made in the said Parliament begun and holden at Westminster, the said second day of Aprill, in the said thirteenth yere, entituled, An act that Purueyors may take graine, corne, or victuals, within fiue miles of Cambridge & Oxford, in certaine cases, And also one other Acte was then and there made, entituled, An act against vsurie: And where in the Parliament holden at Westminster, the eight day of May, in the fourteenth yeere of her Highnesse reigne, there was one other Act made, entituled, An Act for the continuation, explanation, perfecting and enlarging of diuers Statutes, In which Statute are conteined diuers branches, clauses, and prouisions touching and concerning the explanation, perfecting, and enlarging of diuers of the Statutes before mentioned: And where also in the first Session of the Parliament begunne and holden at Westminster the eight day of May, in the fourteenth yeere of the Queenes Highnesse reigne that nowe is, and from thence continued by prorogation till the dissolution thereof, there was one other acte made, entituled, An act for the punishment of vagabonds, and for the relefe of the poore & impotent: And where in the Parliament holden at Westminster aforesaid, in the eightenth yeere of her Maiesties reigne, there was one other Act made, entituled, An Act for the setting of the poore on worke, and for the auoiding of idlenes: And where in the Parliament

ament holden at Westminster the xxiii. day of Nouember, in the xxvii. yeere of her Maiesties reigne, One other acte was made for the reuiuing, continuance, explanation, and perfecting of diuers statutes, in which are conteined diuers branches, prouisions, and clauses touching and concerning certaine additions and alterations vnto and of diuers of the said former recited statutes, and other new prouisions: And where in the said Parliament holden at Westminster ỹ xxiii. day of Nouember in ỹ xxvii. yeere of ỹ Queenes Maiesties reigne that now is, there was an act made for ỹ leuying of issues lost by Jurors: And whereas also in the Parliament holden at Westminster ỹ xxiii. day of Nouember in the xxvii. yere of the Queenes Maiesties reigne that now is, there was one other acte made, entituled, An Act for the good gouernement of ỹ Citie or Borough of Westminster. Forasmuch as the branches, clauses & prouisions conteined and specified in the said two acts of continuance made in the xiiii. and xxvii. yeere of her Maiesties reigne, in addition, alteration, explanation, perfecting and inlarging of diuers of the said statutes, and other statutes, and all the residue of the saide recited Actes, doe seeme good & beneficiall to the weale, and profite of this Realme: Be it enacted that the said branches, clauses and prouisions of the said two acts of continuance, & all the residue of the said recited Statutes and Acts and euery of them, and al and euery article, clause and sentence in them and euery of them conteined, shall be continued and endure in full force and effect, vntill the end of the next Parliament next ensuing. And where also in the first Session of Parliament holden at Westminster ỹ xii. day of Januarie in the said fift yeere of her Maiesties reigne, One act was then & there made, entituled, An act touching certaine politike constitutions made for the maintenance of the nauie: Be it further enacted by the authoritie of this present Parliament, that so much onely of the last mentioned acte as at this present standeth in force, & not heretofore at any time repealed, shal continue and endure in full force and effect vnto the end of ỹ next Parliament next insuing. When in the Parliament nowe last past holden at Westminster, an act was then made, entituled, An act for the continuance and perfecting of diuers statutes, in the end of which act one prouiso is conteined in these wordes following, viz. Prouided alwayes that whereas diuers her Maiesties louing subiects dwelling in ỹ remote parts of this Realme are many times maliciously troubled vpon information & suites exhibited in the courts of Kings bench, Common plees, & Exchequer, vpon Penall statutes, and are drawne vp vpon processe out of ỹ countries where they dwel, and driuen to attend & put in baile, to their great troubles and vndoings: For reformatiõ whereof, Be it enacted that if any per-

ſon or perſons ſhall be ſued or informed againſt vpon any penall law in any the ſaid Courts of Kings bench and Common pleas, or Exchequer, where ſuch perſon or perſõs are baileable by law, or where by the law or fauor of the Court ſuch perſon or perſons may appeare by atturney, that in all and euery ſuch caſe the perſon or perſons ſo to be impleaded or ſued, ſhould and might at the day and time conteined in the firſt proceſſe ſerued for his appearance, appeare by atturney of the ſame Court where the proceſſe is returnable, to anſwere and defend the ſame, & not be vrged to perſonall appearance, or to put in baile for the anſwering of ſuch ſuite, any former law, cuſtome, or vſage to the contrary notwithſtanding. Be it nowe enacted by the authoritie of this preſent Parliament, that the ſame branch of the ſaid act ſhall extend and ſhalbe interpreted, expounded and vnderſtood, to extend only to the natural ſubiects borne or to be borne within the dominions of the Queenes Maieſtie, her heires and ſucceſſors, and to perſons made free denizens and to no others, any thing therein conteyned to the contrary in any wiſe notwithſtanding.

An Acte of explanation

or declaration of the Statute of octauo Regis Henrici ſexti, concerning forcible Entries, the Indictments thereupon found.

The eleuenth Chapter.

WHereas there is one good Acte made & eſtabliſhed in the eight yeere of the reigne of King Henrie the firſt, againſt ſuch perſons as ſhould make forcible entrie into Lands, Tenements, and other Poſſeſſions, or them ſhould forcibly holde: And one very good prouiſo or clauſe in the ſaid Act conteined, as inſueth.

Prouided alwayes, that they which keepe their poſſeſſions with force, in any Lands, & Tenements, whereof they or their anceſtors haue continued their poſſeſſion in the ſame by three yeeres or more, be not endamaged by force of the ſaid ſtatute. And whereas diuers of the Queenes Maieſties

Maieſties good & louing Subiects, & their auncetors, or thoſe whoſe eſtate they haue for many yeeres together, aboue the ſpace of three yeeres or more haue bin in quiet poſſeſſion of their dwelling houſes, and other their lands and poſſeſſions: And nowe of late diuers of her Maieſties ſaid Subiects hauing entries made vpon their poſſeſſions, hauing had ſuch quiet & long poſſeſſion, for diſturbing of ſuch Entrers, and for keeping of their poſſeſſion againſt ſuch Enterers, by colour of Indictments, of forcible entrie, or forcible keeping poſſeſſion found againſt them, by meanes of the Othes of ſuch Entrers, haue beene remooued and put out of their dwelling houſes, and other their poſſeſſions, which they haue quietly held by the ſpace of three yeeres together, or longer time, next before ſuch Indictments found againſt them, againſt the true meaning and intent of the ſaide Proviſo or clauſe contained in the ſaid Act. For remedy of which Inconuenience, and for true declaration and explanation of the Lawe therein: Be it ordeined, declared, and enacted, by the authoritie of this preſent Parliament, that no reſtitution vpon any Indictment of forcible Entrie, or holding with force, be made to any perſon or perſons, if the perſon or perſons ſo indicted hath had the occupation, or hath beene in quiet poſſeſſion by the ſpace of three whole yeeres together, next before the day of ſuch Indictment ſo found, and his, her or their eſtate or eſtates, therein not ended nor determined: which the partie Indicted ſhall and may alleadge for ſtay of reſtitution, and Reſtitution to ſtay vntill that be tryed, if the other will denie or trauerſe the ſame. And if the ſame allegation be tryed againſt the ſame perſon or perſons ſo indicted, then the ſame perſon or perſons ſo indicted to pay ſuch coſtes and damages to the other partie, as ſhall be aſſeſſed by the Iudges or Iuſtices before whom the ſame ſhall be tryed, the ſame coſtes and damages to be recouered and leuied, as is vſuall for coſtes and damages conteyned in Iudgements vpon other actions.

An Acte to auoide Horſe-ſtealing.

The twelfth Chapter.

Hereas throughe moſt Counties of this Realme, Horſe-ſtealing is growen ſo common, as neither in paſtures or cloſes, nor hardly in ſtables the ſame are to be in ſafetie from ſtealing, which enſueth by the ready buying of the ſame by Horſecourſers and others in ſome open Fayres or Markets farre diſtant from the owner, and with ſuch ſpeede as the owner cannot by purſuite poſſibly helpe the ſame: And ſundry good ordinances haue heretofore beene made touching the maner of ſelling, & tolling of Horſes, Mares, Geldings, and Coults in Faires & Markets, which haue not wrought ſo good effect for the repreſſing or auoyding of Horſe-ſtealing, as was expected.

Nowe for a further remedie in that behalfe, Be it enacted by the authoritie of this preſent Parliament, that no perſon after twentie dayes next after the end of this Seſſion of Parliament, ſhal in any Faire or Market, ſel, giue, exchange, or put away any Horſe, Mare, Gelding, Coult or Fillie, vnleſſe the Towle taker there, or (where no Towle is paid) the Booke keeper, Bayliffe, or chiefe Officer of the ſame Faire or Market, ſhal and will take vpon him perfect knowledge of the perſon that ſo ſhall ſell, or offer to ſell, giue or exchange any Horſe, Mare, Gelding, Coult, or Fillie, and of his true Chriſten name, Syrname, & place of dwelling or reſiancie, & ſhall enter all the ſame his knowledge into a booke there kept for ſale of Horſes: or els, that he ſo ſelling or offering to ſell, giue, exchange, or put away any Horſe, Mare, Gelding, Coult, or Fillie, ſhall bring vnto the Touletaker or other Officer aforeſaid of the ſame Faire or Market, one ſufficient & credible perſon, that can, ſhall or will teſtifie and declare vnto, and before ſuch Touletaker, Booke keeper, or other officer, that he knoweth the partie that ſo ſelleth, giueth, exchangeth, or putteth away ſuch Horſe, Mare, Gelding, Coult or Fillie, and his true name, ſyrname, myſtery and dwelling place: and there enter or cauſe to be

ye entred in the booke of the said Toltaker or officer, as well the true Christen name and syrname, mysterie and place of dwelling, or restancie of him that so selleth, giueth, exchangeth, or putteth away such Horse, Mare, Gelding, Colt, or Fillie, as of him that so shal testifie or auouch his knowledge of the same person, and shall also cause to be entred the very true price or value that he shall haue for the same Horse, Mare, Gelding, Colt, or Fillie so solde. And that no person shall take vpon him to auouch, testifie or declare, that he knoweth the partie that so shall offer to sell, giue, exchange, or put away such Horse, Mare, Gelding, Colt or Fillie, vnlesse he doe in deede truely knowe the same partie, and shall truely declare to the Toltaker or other officer aforesaid, as well the Christen name, syrname, mysterie, and place of dwelling and restiancie of himselfe, as of him, of, and for whom he maketh such testimonie and auouchment. And that no Toltaker or other person keeping any booke of entrie of sales of horses in Faires or Markets, shall take or receiue any Toll, or make entrie of any sale, gift, exchange, or putting away of any Horse, Mare, Gelding, Colt or Fillie, vnlesse he knoweth the partie that so selleth, giueth, exchangeth, or putteth away any such Horse, Mare, Gelding Colt or Fillie, and his true Christen name, syrname, mysterie, and place of his dwelling or restiancie, or the partie that shall and will testifie and auouch his knowledge of the same person so selling, giuing, exchanging or putting away such Horse, Mare, Gelding, Colt or Fillie, and his true Christen name, syrname, mysterie and place of dwelling or restiancie, and shall make a perfect entrie into the saide booke of such his knowledge of the person, and of the name, syrname, mysterie and place of the dwelling or restiancie of the same person, and also ỳ true price or value that shall be Bona fide taken or had for any such Horse, Mare, Gelding, Colt or Fillie so solde, giuen, exchanged, or put away, so farre as he can vnderstand the same, and then giue to the partie so buying or taking by gift, exchange or otherwise, such Horse, Mare, Gelding, Colt or Fillie, requiring and paying two pence for the same, a true and perfect note in writing of all the full contents of the same, subscribed with his hand, on paine that euery person that so shall sell, giue, exchange, or put away any Horse, Mare, Gelding, Colt or Fillie, without being knowen to the Toltaker or other Officer aforesaid, or without bringing such auoucher or witnes, causing the same to be entred as aforesaid, and euery person making any vntrue testimonie or auouchment in the behalfe aforesaide, and euery Toltaker, booke keeper, or other Officer of Faire or Market aforesaide, offending in the premisses contrary to the true meaning aforesaid, shall forfait for euery such default the summe

of

of fiue pounds, but also that euery sale, gift, exchange, or other putting away of any Horse, Mare, gelding, Colt, Fillie, in Faire or Market not vsed in all points according to the true meaning aforesaid, shall be voide: the one halfe of all which forfaitures to be to the Queenes Maiestie, her heires and successors, and the other halfe to him or them that will sue for the same before the Justices of peace, or in any her Maiesties ordinarie Courts of Record, by bill, plaint, action of debt or information, in which no essoine or protection shall be allowed.

And be it further enacted, that the Justices of peace of euery place and Countie, as well within liberties as without, shall haue authoritie in their Sessions within the limits of their authoritie and Commission, to enquire, heare, and determine all offences against this Statute, as they may doe any other matter triable before them. And be it further enacted, that if any Horse, Mare, Gelding, Colt or Fillie, after twentie dayes next ensuing the end of this Session of Parliament, shall be stollen, and after shall be solde in open Faire or Market, and the same sale shall be vsed in all points and circumstances as aforesaide: that yet neuertheless, the sale of any such Horse, Mare, Gelding, Colt or Fillie, within sixe moneths next after the felonie done, shall not take away the propertie of the owner from whom the same was stollen, so as claime be made within sixe moneths by the partie from whom the same was stollen, or by his executors or administrators, or by any other by any of their appointment, at, or in the Towne or Parish where ỹ same Horse, Mare, Gelding, Colt or Fillie shall be found, before the Maior or other head Officer of the same Towne or Parish, if the same Horse, Mare, Gelding, Colt or Fillie shall happen to be found in any Towne Corporat, or Market Towne, or else before any Justice of Peace of that Countie neere to the place where such Horse, Mare, Gelding, Colt or Fillie shall be found, if it be out of Towne Corporate or Market Towne, & so as proofe be made within fortie dayes then next insuing, by two sufficient witnesses to be produced and deposed before such head Officer or Justice, (who by vertue of this acte shall haue authoritie to minister an othe in that behalfe) that the propertie of the same Horse, Mare, Gelding, Colt, or Fillie so claimed, was in the partie, by, or for whom such claime is made, and was stollen from him within sixe moneths next before such claime of any such Horse, Gelding, Mare, Colt or Fillie, but that the partie from whom the saide Horse, Mare, Gelding, Colt or Fillie was stollen, his executors or administrators, shall and may at all times after, notwithstanding any such sale or sales in any Faire or open Market thereof made, haue propertie and power to haue, take againe, and enioy the saide

Horse,

Horse, Mare, Gelding, Colt, or Fillie, vpon payment or readinesse, or offer to pay to the partie that shall haue the possession and interest of the same Horse, Mare, Gelding, Colt or Fillie, if he will receiue and accept it, so much money as the same partie shall depose & sweare before such head officer or Iustice of Peace, (who by vertue of this Acte shall haue authoritie to minister and giue an othe in that behalfe) that he payd for the same Bona fide, without fraud or collusion, any law, statute, or other thing to the contrary thereof in any wise notwithstanding.

And be it further enacted by the authoritie aforesayde, that after xx. dayes after the end of this Session of Parliament, not only all accessaries before such Felonie done, but also all accessaries after such Felony, shall bee depriued and put from all benefit of their Cleargie, as the principall by statute heretofore made, is, or ought to be.

An Act for reuiuing and enlarging of a Statute made in the xxiij. yeere of her Maiesties raigne, for repayring of Douer Hauen.

The xiij. Chapter.

WHere in the Parliament holden at Westminster in the xxiij. yeere of the raigne of our most Soueraigne Lady Queene Elizabeth, there was amongst others an Acte made, that for diuers and sundry good considerations therein mentioned, a certaine payment or contribution should bee leuied for the better furtherance & finishing of the harbour of Douer, towardes which worke it pleased her Maiestie of her Highnesse bountie to bestowe liberally, and many her Maiesties merchaunts according to that Acte, haue contributed willingly large summes of money which haue bene duely defraied to such good purpose and proofe, as the officers and others of her Highnesse Royall Naule, chasing the enemie vpon that coast in Sommer last, can thereof beare sufficient testimonie,

teſtimonie, and as to the eye of euery beholder is apparant. And for ſo much as this notwithſtanding, there wanteth yet great ſummes for finiſhing of the ſayde worke ſo well begun, as alſo for the continuall maintenance of the ſame, being a place (by ſituation in ſo narow a ſtreight) greatly ſubiect to a moſt violent currant of tide: And for that diuers and ſundry great pieces of worke be there yet needfully to be perfourmed, the doing whereof is neceſſarily required for ſafetie of all the reſt:

Bee it therefore enacted by authoritie of this preſent Parliament, that the ſayde Statute and all and euery the branches, clauſes and articles therein contained, ſhalbe reuiued and haue continuance from forthe dayes after the ende of this Seſſion of Parliament, vnto the ende of ſeuen yeeres then next and immediatly following. And be it alſo enacted by the authoritie aforeſaid, that euery Cuſtomer and officer ſhall by vertue of this ſtatute, bee in all things anſwerable and chargeable for the wilfull default or negligence of his deputie, aſſignee, or ſubſtitute, as farre forth as by the ſaid former Statute he was or ought to haue bene charged for his owne wilfull default, for, or touching any thing contained in the ſaid former Statute.

God ſaue the Queene.